



UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 25 2005

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MAR 25 2005

OFFICE OF THE DIRECTOR  
TC 3800

In re application of

SIVAKUMAR MUTHUSWAMY et al.

Application No. 09/472,927 : DECISION ON REQUEST  
Filed: December 27, 1999 : FOR WITHDRAWAL OF  
For: SYSTEM AND METHOD FOR MEASURING : ATTORNEY  
WEB PAGE ADVERTISEMENT IMPRESSIONS

This is a decision on the request filed on December 17, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application. The delay in treating this request is sincerely regretted.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

- A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;
- B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and
- C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with Item A).

The attorneys listed in the request do not correspond to those listed in the Power of Attorney filed December 17, 2004. If only the attorneys listed in the request are to have power withdrawn and those not listed is intended to remain having power of attorney for this case, this needs to be made clear in any supplemental request; otherwise those attorneys not listed would need to be added to the request. Frank Scutch cannot sign withdrawal since he was not one of the original attorneys appointed.



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KJD/slb: 03/21/05